Northwards Housing
North Manchester's Council Homes

Hate Incident Policy and Procedures

1 Statement of Policy

Northwards Housing believes that it is the right of every individual to be treated with respect and dignity, and to live in an environment free from harassment, hatred and abuse regardless of their race, ethnicity, gender, age disability sexual orientation, gender identity, religious belief or immigration status.

Northwards Housing recognises racist and other hate incidents as serious problems which can threaten the safety, stability and sustainability of communities and which are detrimental to the physical and mental well-being of victims and their families.

As such, Northwards Housing takes a zero tolerance approach to all forms of hate crime or incident.

This document sets out a policy to ensure that hate incidents are dealt with effectively, efficiently and with due regard to the serious nature of such incidents.

2 Aims of Policy

The aim of this policy is to reduce harassment, victimisation and crime motivated by a hatred or intolerance in respect to a person's race, ethnicity, gender, age, disability, sexual orientation, gender identity, religious belief or immigration status.

Northwards also endeavours to support all victims of Hate Incidents with sensitivity and respect, while at the same time showing a firm commitment to taking full and effective action against perpetrators.

In so doing Northwards wishes to help create neighbourhoods which are safe and where people choose to live.

3 Scope of Policy

This policy applies to all customers and employees of Northwards Housing and should be read in conjunction with the Policy on Solving Anti Social Behaviour (ASB) Problems.

4 Definition of Hate Incident

A Hate Incident is any incident committed against a person or property which the victim (or any other person) believes is motivated by the offender's hatred towards that person because of their ethnicity, race, sexual orientation, disability, age, gender identity, religious belief, gender or immigration status.

The term Hate Incident is not confined to criminal offences. Whether a reported incident is treated as a Hate Incident depends on the perception of the individual.

Hate Incidents can take many forms, including:

Racist: *Any incident that occurs on the grounds of a person's actual or presumed membership of a particular racial group*

The Stephen Lawrence Inquiry Report (The MacPherson Report) recommended the following definition of a racist incident, which has been formally adopted by Northwards Housing, Manchester City Council, the Police, and other partner agencies.

"A racist incident is any incident which is perceived to be racist by the victim or any other person".

Homophobic: *Any incident which is perceived by the complainant or any other person to be based upon prejudice or hatred of the complainant because of their sexual orientation, or perceived sexual orientation*

Transphobic: *Any incident which is perceived by the complainant or any other person to be based upon prejudice or hatred because they are transgender*

Disability Related: *Any incident which is perceived by the complainant or any other person to be based upon prejudice or hatred because they are disabled*

Age Related: *Any incident which is perceived by the complainant or any other person to be based upon prejudice or hatred because of their age*

Religious or Faith Related: *Any incident which is perceived by the complainant or any other person to be based upon prejudice or hatred on the basis of a person's membership or perceived membership of a religious group*

Immigration Related: *Any incident which is perceived by the complainant or any other person to be based upon prejudice or hatred because of their actual or perceived immigration status*

For an incident to be classified as a Hate Crime it must be something which could constitute a criminal offence. Examples include:

- Assault
- Criminal Damage
- Public Order Offence
- Harassment

Other examples of Hate Incidents include:

- Verbal abuse and threats
- Bullying
- Threatening or abusive behaviour (including spitting)
- Offensive jokes or comments
- Incitement (for example stirring up hatred, for instance by putting up stickers or posting leaflets)
- Offensive graffiti and fly posting (for example of a racist or homophobic nature)
- Ridiculing cultural differences (for example language, dress, food, music)

In certain circumstances these actions could constitute criminal offences. Decisions about whether an incident should be dealt with as a criminal matter will be taken in the light of the specific circumstances of the case, where appropriate in conjunction with the Police.

In deciding whether to treat something as a Hate Incident, it is the behaviour and its **impact on the recipient, and not the intention of the perpetrator**, that is important.

5 Policy Statement

Northwards Housing is determined to play a full and effective role in tackling the harmful effects of racist and other forms of Hate Incident. This will include receiving and responding to reports of incidents from our customers, or in relation to our customers.

Northwards Housing also responds to claims made by other members of the public as part of its role as a Third Party Reporting Centre. This means that all members of the local community can use our offices to report Hate Incidents. We can offer guidance to the victim or person reporting the incident, refer to other agencies and bring incidents to the attention of the local Crime and Disorder Reduction Partnership.

Northwards Housing will work hard to eliminate Hate Incidents in our local communities. We take all Hate Incidents seriously and will record and investigate all incidents equally, fairly and sensitively. If the victim wishes to speak to a member of staff with whom they have an existing relationship (for example a Neighbourhood Services Officer) or a member of staff of the same sex this will be accommodated as far as is possible.

If the victim feels an incident is motivated by hate then it will be recorded as such. This does not necessarily mean that it was the perpetrator's intention, and in some cases after investigation it may be clear that it was not a Hate Incident. However, by applying the definition and carrying out an investigation Northwards will ensure that any intent is fully considered.

All reports will be recorded and investigated. This allows Northwards to ensure that all information received no matter how small is acted upon. In cases where no further action is appropriate or possible, Northwards will collate data and feed into the Crime and Disorder Reduction Partnership. This will assist in pro-actively identifying locations where Hate Crime is, or is likely to become, an issue.

Northwards Housing will ensure that the confidentiality of all parties is respected and maintained throughout the investigation. We will consider a range of appropriate actions and solutions, however no action will be taken without the consent of the victim.

How we can help prevent Hate Incidents

Northwards recognises that prevention is the best approach to tackling Hate Incidents. As such, we may take the following steps, amongst others, to reduce the possibility of Hate Incidents occurring.

- We will work closely with residents and local community groups to promote and encourage diverse communities that are cohesive, safe and desirable places to live
- We will publish articles in our quarterly newsletter, local newspapers and within neighbourhoods, to publicise positive steps that have been taken

- We will deal with all reported incidents quickly and effectively to help prevent any further or more serious incidents

- We will arrange for additional security works or measures to be put in place to increase safety and provide further peace of mind

What support we can offer

- We will offer to put victims in touch with local community or other support groups, such as Victim Support

- We will discus the legal and other options available

- We will provide regular updates to the victim on action being taken

- We will monitor and review the case

- We will provide practical support, for example, target hardening of the victim's home

What action we can take

- We can provide victims and witnesses with diaries or Dictaphones to help them keep an account of events

- We can interview alleged perpetrators (with parents if they are minors) to discuss the allegations and explain possible consequences

- We can issue verbal warnings and send warning letters

- We can pursue legal remedies such as injunctions, demotion of tenancy, ASBOs or possession proceedings

- We can work with the Police to ensure that proper action is taken in relation to possible criminal offences

- We can work closely with local schools to help educate young people and to address anti-social behaviour

Northwards Housing also recognises the importance of equipping its workforce to respond appropriately to any expressions of racism or other hate incidents and to understand its effects on individuals. It is committed to the implementation and maintenance of a comprehensive training programme to ensure victims and witnesses are consistently treated with sensitivity, understanding, dignity and respect.

6 Procedure

The following procedure outlines how Northwards will respond to incidents reported by our residents.

Once a report has been received from a Northwards Tenant:

- Violence or threat of violence – meeting offered within 1 working day
- Others – meeting offered within 5 working days
- We will meet the complainant in a mutually convenient place; this could be at the housing office, in the complainant's home, or somewhere else
- We will make any appropriate arrangements before the meeting. This includes use of translation and interpretation facilities, same sex officer, etc
- Removal of any graffiti within 1 working day. This is carried out at no cost to the complainant

Working with the complainant we will:

- Develop an Action Plan that the complainant is in agreement with
- Give complainants a named contact with responsibility for their case and provide them with the direct office number
- Keep the complainant informed of progress in cases of ongoing action (unless it has been clearly recorded and communicated to the complainant as being taken over by another agency)
- Support the complainant throughout the process, or helping them to access support from another agency
- Arrange for any repairs necessary to the complainant's home

Taking Action

Our approach is to take swift and effective action against perpetrators and enable victims to remain in their own home by offering additional help and support. We do not tolerate people being driven out of their homes; and will not as a general rule seek to resolve the problem by rehousing the victim.

Listed below are some of the measures we will consider to support victims in their home:

a) High priority to repairs and graffiti removal

b) Target hardening of property (eg windows and door locks, door viewer and chain, security lights, CCTV cameras and fixing secure letterbox to prevent arson attack

c) Work with other agencies, such as the Police

d) Regular contact from local housing staff

e) Home Link Scheme

Alternative Action

There will occasionally be situations when, despite these efforts, it is not possible for the complainant to remain in their home due to the seriousness of the threat posed to them; or the complainant still feels harassed and frightened and wants to move out of the area. In this situation, we will consider whether alternative housing should be offered, either temporarily or permanently.

If alternative housing is to be offered we will give careful consideration as to the areas offered and will look at what help we can provide with moving. This will be done on a discretionary and case-by-case basis.

We will only look at rehousing the complainant as a last resort and when other options have been assessed and deemed inappropriate. Our general policy is to take appropriate action against the perpetrator and to support the complainant in their own home; rather than moving the complainant.

Legal Action Against Perpetrators

- Court action may be taken by the Police, by the complainant under private prosecution with Northwards' help or by Northwards under breach of the tenancy conditions or the Housing Act 1988. Action may also be taken under the ASB Act 2003 or any other relevant statute.

- Action taken by Northwards Housing could include possession proceedings, injunctions, ASBO or demotion of tenancy

Data Protection

In gathering information on hate incidents it is crucial that a balance is struck between the proper protection of personal information, and appropriate sharing of information in the interests of crime reduction and prevention. Agencies should normally seek to share information with the consent of individuals.

It is important in this regard to distinguish between sharing information containing personal information likely to identify individuals, and sharing general and anonymous data which does not identify individuals, but which is likely to contribute to the public interest.

7 Multi-Agency Working

Northwards Housing adopts a multi-agency approach in order to maximise the impact of policies to support victims and deal with offenders. We are committed to active participation in developing working relationships with community representatives and other partner agencies, and to continuous improvements in strategies for combating Hate Incidents.

We are aware that victims can be deeply affected and often traumatised by their experiences. As a result we work in partnership with agencies such as Victim Support, and link with local support groups in the area to ensure that victims are given extra reassurance and support to following incidents.

Northwards Housing will also work closely with the Police, Manchester City Council and other partner agencies to tackle all forms of hate crime. Regular meetings are held to share information on reported incidents, monitor trends and develop strategic responses to hate crime in the local area.

8 Performance Standards

Northwards recognises the importance of monitoring and reviewing our approach and therefore make the following commitments:

- To respond to complaints involving violence or actual violence within 1 working day

- To respond to all other complaints within 5 working days

- Meet the complainant in a mutually convenient place; this could be at the housing office, in the complainant’s home, or somewhere else

- To draw up an Action Plan with the complainant
- To take timely and appropriate action in conjunction with the Police and other relevant agencies
- To provide complainants with timely and appropriate support and information throughout
- To ensure that interpreting and translation and other forms of assistance are provided as required
- To enforce the tenancy agreement where the alleged perpetrator is a tenant of Northwards Housing
- To work in conjunction with other landlords where the alleged perpetrator is their tenant
- To ensure that cases are monitored and the effectiveness of actions taken is reviewed regularly
- To remove offensive graffiti within 1 working day
- To monitor and review customer satisfaction on a quarterly basis and report this to the Board's Customer and Communities Sub-Committee
- Where appropriate to publicise information where we have taken successful action.

Northwards Housing expects every member of staff to accept responsibility for their own part in making this Policy work effectively, including the duty to report all racist and/or other Hate Incidents coming to their notice.

The Executive Management Team are responsible for ensuring that there is proper staff awareness of the Policy, and that policy and procedures are followed in full.

This document forms part of the Northwards Housing's Equal Opportunities Policy.

9 Review and Monitoring

Regular monitoring reports will be provided to the Board's Customers and Communities Sub-Committee.

These quarterly reports will include statistical data relating to the number of incidents reported broken down by type, area, ethnicity, etc;

information on any national or local Performance Indicators which apply; and information about actions taken.

10 Cross Reference

Anti-Social Behaviour Act 2003

Crime & Disorder Act 1998

Criminal Justice Act 2003

Disability Discrimination Act 1995 and 2005

Gender Recognition Act 2004

Harassment Policy

Housing Act 1996

Housing Act 2004

MCC Allocation Policy

Protection from Harassment Act 1997

Race Relations Act 1976, amended 2000

Racial and Religious Hatred Act 2006

NH Tenancy Agreement

NH Policy on Solving Anti-Social (ASB) Problems

NH Comprehensive Equality Policy

11 Further Information

Further information on reporting, recording and Hate incidents are available from:

Code of Practice on Reporting and Recording Racist Incidents (Home Office, 2000)

Tackling Racial Harassment: Code of Practice for Social Landlords

www.raceactionnet.co.uk

Support and advice for people experiencing hate crime or abuse is available from:

Victim Supportline: 0845 30 30 900

tellsomeone@victim-support-gm.co.uk

The Lesbian and Gay Foundation Helpline: 0845 33 03 030

Appendix

What is a Third Party Reporting Centre?

It is now recognised that people within minority communities may be fearful or mistrustful of approaching the police directly. However, to gather intelligence on and act against hate crime, the police and other agencies need statistical information on the levels of such crime. Third Party Reporting is a way of addressing this.

Previously a victim of hate crime had to report directly to the police. The Stephen Lawrence Inquiry changed this procedure for people affected by such crime enabling them to report to a Third Party Reporting Centre.

Third Party Reporting basically:

- Enables victims and witnesses of race hate crime to report their incident in confidence to someone other than the police.

- The victim is able to report anonymously if they do not wish to divulge their details. Even though the victim may not wish to give their details, this will still enable the police and other agencies to gather information on the levels of racist crime and identify hotspots of racist activity.

- Third Party Reporting ensures that victims receive relevant referrals and signposting and casework if needed.